

ATTACHMENT A

ATTACHMENT A

ATTACHMENT A

TABLE OF THRESHOLD ISSUES PROPOSED BY WALKER RIVER IRRIGATION DISTRICT

Statement of Threshold Issue	District Brief or Briefs Where Discussed
1. Whether this Court has jurisdiction to adjudicate new claims for additional surface and/or underground water in Case C-125, a case in which a final judgment has been entered, or must a new and separate action form the basis for these claims; and if so, to what extent should the Court exercise its jurisdiction in these matters?	District's Opening Brief on Threshold Issues, Doc. 1416, at p. 10, Ins. 20-27; District's Responsive Brief on Threshold Issues, Doc. 1443 at 6-7; District's Reply Brief on Threshold Issues, Doc. 1453 at 10-12
2. Whether a claim to a right for conservation storage of water in Weber Reservoir may be made under the implied reservation of water rights doctrine, which was established in <i>Winters v. United States</i> , 207 U.S. 564 (1908), or under any other theory of federal common law?	District's Opening Brief on Threshold Issues, Doc. 1416 at p. 11, Ins. 22 - p. 12, ln. 16; District's Responsive Brief on Threshold Issues, Doc. 1443 at p. 10, Ins. 16-27
3. Whether a claim to a right for underground water may be made under the implied reservation of water rights doctrine, or under any other theory of federal common law?	<i>Id.</i>
4. Whether the United States may reserve water, under the federal implied reservation of water doctrine, from a water source that is not within the lands being reserve?	<i>Id.</i>
5. Whether the doctrine of claim (res judicata) and/or issue preclusion (collateral estoppel) bar any claim for: a. federally reserved surface water rights for the lands added to the Reservation after entry of the Walker River Decree on April 14, 1936 (the "Added Lands");	District's Opening Brief on Threshold Issues, Doc. 1416 at p. 11, Ins. 22 - p. 12, ln. 16; District's Responsive Brief on Threshold Issues, Doc. 1443 at p. 10, ln. 28 - p. 12, ln. 2

ATTACHMENT A

**TABLE OF THRESHOLD ISSUES
PROPOSED BY WALKER RIVER IRRIGATION DISTRICT**

Statement of Threshold Issue	District Brief or Briefs Where Discussed
<p>b. additional water from an underground source for lands that were within the Reservation at the time the Walker River Decree was entered;</p> <p>c. additional water from an underground source for the Added Lands;</p> <p>d. storage rights, other than those for regulatory purposes, for those lands that were within the Reservation at the time the Walker River Decree was entered; and</p> <p>e. storage rights, other than those for regulatory purposes, for the Added Lands?</p>	
<p>6. Whether the doctrines of laches and estoppel bar the conservation storage claims of the United States and the Tribe for the lands within the Reservation as it existed at the time of entry of the Walker River Decree?</p>	<p>District's Opening Brief on Threshold Issues, Doc. 1416, at p. 12, ln. 17 - p. 13, ln. 1; District's Responsive Brief on Threshold Issues, Doc. 1443 at p. 12, lns. 3-10</p>
<p>7. Whether the doctrines of laches and estoppel bar the United States' and the Tribe's claims for a water right from underground sources for the Reservation as it existed at the time of the entry of the Walker River Decree?</p>	<p><i>Id.</i></p>
<p>8. Whether the doctrines of laches and estoppel bar the United States' and Tribe's claims for federally reserved water rights including surface water, underground water, and/or conservation storage claims for the Added Lands?</p>	<p><i>Id.</i></p>

**TABLE OF THRESHOLD ISSUES
PROPOSED BY WALKER RIVER IRRIGATION DISTRICT**

Statement of Threshold Issue	District Brief or Briefs Where Discussed
<p>9. Whether any water, surface or underground, was impliedly reserved when lands were added to the Reservation in light of the following: (1) the language and history of the Act of Congress that authorized the addition of those lands; (2) the fact that prior to their addition to the Reservation, those lands were designated as public domain and opened to entry under the Desert Lands Act; and (3) the fact that the lands were added for grazing purposes?</p>	<p>District's Opening Brief on Threshold Issues, Doc. 1416 at p. 13, lns. 3-23; District's Reply Brief on Threshold Issues, Doc. 1453 at p. 4 - p. 10, ln. 11</p>
<p>10. If the Tribe has the right to pump groundwater under federal law, are such rights, as a matter of federal law subject to different protections than those provided by State law? (suggested be deferred)</p>	<p>District's Opening Brief on Threshold Issues, Doc. 1416, at p. 13, ln. 24 - 14, ln. 24</p>
<p>11. Whether the court has jurisdiction over groundwater used pursuant to State law outside the exterior boundaries of the Walker River Paiute Indian Reservation if such use interferes with the Tribe's rights under federal law to use water from the Walker River system; and, if so, (suggested be deferred)</p>	<p><i>Id.</i></p>
<p>12. Should the court exercise that jurisdiction? (suggested be deferred)</p>	<p><i>Id.</i></p>